REMARKS

Claims 1-5 are pending in the application. By this Amendment, claim 1 has been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated March 4, 2009.

As to the Merits:

As to the merits of this case, the Examiner maintains the following rejection:

claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith et al. (USP 2,757,548) in view of Namimatsu et al. (USP 6,216,821).

Applicants respectfully traverse this rejection.

Independent Claim 1:

Independent claim 1, as amended, now calls for *wherein an oil lip member is provided in a vicinity of said application member with a predetermined gap provided between itself and said application member in a direction opposite to the rotation direction of the screw shaft, said oil lip member having a distal end placed in sliding contact with a surface of said ball rolling groove to scrape the lubricant off said ball rolling groove, and said oil lip member being made of a material that is not impregnable with the lubricant.*

Applicants point out the advantages of the present invention of claim 1, as follows. In particular, an oil lip member is provided in the vicinity of the application member with a

predetermined gap provided between itself and the application member in a direction opposite to the rotation direction of the screw shaft so that the distal end of the oil lip member is in sliding contact with the surface of the ball rolling groove. With this arrangement, lubricant supplied from the application member to the ball rolling groove is scraped off with the oil lip member and accumulated in the space between the application member and the oil lip member. Therefore, the lubricant is urged to return to the inside of the lubricant supply mechanism through the application member. Consequently, the distal end of the application member is always immersed in the lubricant, and a sufficient amount of lubricant is always ensured in the ball rolling groove. Moreover, no lubricant is wastefully discharged to the outside.

The Examiner argues in the bridging paragraphs between pages 7 and 8 in item 5 of the Office Action that:

> Applicant is arguing the function and/or intended use of the invention here. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

However, it is respectfully submitted that the Applicants are not arguing the function and/or the intended use of the oil lip member. Instead, claim 1 explicitly recites *wherein an oil lip member is provided in a vicinity of said application member with a* ***predetermined gap provided between itself and said application member in a direction opposite to the rotation direction of the screw shaft.***

That is, the Examiner has failed to give any type of patentable weight to the structure recited in claim 1 regarding the positional relationship between the oil lip member, which is provided in the vicinity of the application member, with a predetermined gap provided between the oil member and the application member in a direction opposite to the rotation direction of the screw shaft.

For example, as already discussed in page 7 in the Response filed on November 17, 2008, and as illustrated in Fig. 2 of the present application, an oil lip member 32 is positioned in the vicinity of the application member 31 with a predetermined gap provided between itself and the application member 31 in a direction opposite to the rotation direction (direction indicated by the arrow C) of the screw shaft 11.

Further, the Examiner's additional arguments included in the first full paragraph on page 8 of the Action regarding the structure 17 of Smith performing the same function as Applicants' device is a clear indication that the Examiner has failed to properly consider all of the structure recited in claim 1 regarding a predetermined gap provided between the oil lip member and the application member.

Finally, the Examiner fails to rely on the secondary reference of Namimatsu for curing the above-noted drawbacks and deficiencies of Smith. Therefore, even if, assuming *arguendo*, that Smith and Namimatsu can be combined in the manner suggested by the Examiner, such

combination would still fail to teach or fairly suggest the features of claim 1 regarding *wherein an oil lip member is provided in a vicinity of said application member with a predetermined gap provided between itself and said application member in a direction opposite to the rotation direction of the screw shaft, said oil lip member having a distal end placed in sliding contact with a surface of said ball rolling groove to scrape the lubricant off said ball rolling groove, and said oil lip member being made of a material that is not impregnable with the lubricant.*

Independent Claim 4:

As noted above, Smith fails to disclose an oil lip member. More specifically, with regard to claim 4, Smith fails to disclose or fairly suggest *wherein said seal member has an oil lip member whose distal end is always in sliding contact with a surface of said ball rolling groove to scrape the lubricant off said ball rolling groove,* ***said oil lip member being provided at a predetermined angle α with respect to a radial direction of said screw shaft and at a predetermined lead angle θ with respect to a groove direction of said ball rolling groove.***

For example, as already discussed in page 7 in the Response filed on November 17, 2008, and as illustrated in Fig. 2 of the present application, an oil lip member 32 is positioned in the vicinity of the application member 31 with a predetermined gap provided between itself and the application member 31 in a direction opposite to the rotation direction (direction indicated by the arrow C) of the screw shaft 11. The oil lip member 32 is installed at a predetermined lead angle θ with respect to the application member 31.

The Examiner fails to rely on the secondary reference of Namimatsu for curing the above-noted drawbacks and deficiencies of Smith. Therefore, even if, assuming *arguendo*, that Smith and Namimatsu can be combined in the manner suggested by the Examiner, such combination would still fail to teach or fairly suggest the features of claim 4 regarding *wherein said seal member has an oil lip member whose distal end is always in sliding contact with a surface of said ball rolling groove to scrape the lubricant off said ball rolling groove,* ***said oil lip member being provided at a predetermined angle a with respect to a radial direction of said screw shaft and at a predetermined lead angle θ with respect to a groove direction of said ball rolling groove.***

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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